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A C C O U N T
O F T H E
Proceedings to Judgment
A G A I N S T T H E
C H A R T E R
O F T H E
C I T Y o f L O N D O N ;

As it was given in Court of *Kings-Bench*, the 12th of this Instant
June, *Anno. Dom.* 1683.

Entered according to Order.

THis day Mr. Justice *Jones*, Mr. Justice *Raymond*, and Mr. Justice *Wishem*, taking their Places in the Court of *King's-Bench*, Mr. Attorney General moved the Court for Judgment against the CHARTER of the City of *London*, &c. whereupon the Court declared, That there having been a *Quo Warranto* brought on the part of the King, to inquire by what right they for one Month before occupied the said CHARTER, as Body of Mayor, Commonalty, and Citizens, to Plead and be Impleaded as a Body Politick and Corporate; and that thereunto they had Pleaded *Magna Charta*, the Grants of several Kings, and especially of His present Majesty for Justification; when it was again objected, that they, contrary to the said Grants, had unlawfully, amongst themselves, made By-Laws to Levy Toll or Taxes upon the King's Subjects, both Citizens and Strangers, bringing any goods into the Markets, within the said City and Liberties, whether they were Sold, or not Sold; and to Justifie themselves therein, they, the Mayor, Commonalty and Citizens did suggest, that they, as One Body Corporate, had, time out of mind, taken Toll of such as brought Wares to the said Markets; and that the Commonalty, or Common-Council, to the number of 252. or thereabout, had, upon all occasions, for many years past, made and provided such By-Laws, as were not oppugnant to Acts of Parliament, for the good Government and Ordering the City; to which it was said, That on the part of the King it had been plainly demonstrated, that such Levying of Taxes or Toll was oppugnant to Acts of Parliament, and grievous to the King's Subjects, and an Encroachment upon the Fundamental Laws of the Land, for which their CHARTER ought to be surrendered into His Majesties hands as forfeited; That it was further alledged by Mr. Attorney, That they, the Mayor, Aldermen and Commons in Common-Council Assembled, did, contrary to the known Laws, agree to, and cause to Be Allowed, Printed and Published, on the 13th of *January*, (upon the Prorogation of the Parliament, from the 10th of *January* to the 20th of the same Instant) a scandalous Petition, to bring the King's Person in hatred with His Subjects, and the sam

did disperse, to stir up His Majesties Lige People to Sedition and Rebellion ; or to this Effect: And that thereunto the Aldermen, Commons and Citizens had Reply, That there was at that time a dangerous Plot against the Person of the King's Majesty, the Government, &c. To prove which they instanced the several Attaindures of Traytors, the Impeachments of the Lords in the *Tower*, the several Proclamations on the account of the said Plot, the Opinion of His Majesty, and both Houses of Parliament, together with several Vores, all plainly demonstrating that there was a Plot ; yet that it had been by Mr. Attorney plainly demonstrated, That the said Petition was Evilly and Maliciously intended, to Alienate the hearts of His Majesties Subjects, and to Induce them to a hatred of his Royal Person, contrary to their Allegiance, and the Well Government of Corporations, according to the Constitution and Institution of Body Politicks, whose Continuation depends upon the good Government of those that are Intrusted with the CHARTER or CHARTERS, Grants or Priviledges, or to this Effect ; And it is in His Majesty's Power to call any CHARTER or Grant in question, as in His Royal Wisdom it shall seem fit ; and that if by their Intrenching on the Fundamental Laws, by presuming unwarrantably to Exceed their Grants, Infranchisements, Priviledges, &c. the said CHARTER is forfeited, and may be seized into the hands of the King, which was the Case of the CHARTER of *London*, by which the Mayor, Commonalty, and Citizens, were Impowered as a Body Politick Incorporated to Plead or be impleaded as one Man, which they themselves had owned they were, and that they must stand or fall as such as in their Rejoynder, &c. And several Arguments at the Bar in relation to the said CHARTER, and in defence thereof it had appeared.

These being the main Points appearing to be insisted on by Mr. Attorney on the behalf of the King, the Court declared, That the Records and Evidences both Antient and Modern, had been perused, and narrowly Examined ; and that they had seen Copies on both sides, which compared, differed not ; all things therein contained, being coherent and owned by Plaintiffs and Defendants Council, as true Copies, nothing on either side there against objected ; which having been seriously considered, did not warrant either an Exaction of Toll, or Levying any Tax upon His Majesties Subjects, as had for many years past been Exacted and Received by Officers thereunto Appointed by the said Major, Commons and Citizens of *London*, but by Act of Parliament it appeared, that such a Levying of money was a manifest breach of the Laws, and rendred their CHARTER forfeited, and liable to a surrender and seizure into the hands of the King, the Act of Oblivion not extending to their Relief, although they alledged the By-Law was made soon after the Fire of *London*.

That as to the Petition, the Proceedings therein were altogether unwarrantable, and that nothing offered on the part of the Corporation could justify them therein, for that it was a manifest Breach of the Trust Imposed in them, which Breach, and the other Assigned was a Violation of their CHARTER, and rendred it forfeit.

The Sum of what had been formerly Argued being these, or to this Effect.

Mr. Justice *Jones* upon the particulars as they offered gave his Opinion, & afterward declared that he and his brethren the rest of the Judges of that court present had attended the Lord Chief Justice *Saunders* about that Important affair, and that they had received his opinion in the Matter, and that he and they were of opinion that the CHARTER of the City of *London* upon the breaches Assigned by Mr. Attorney General was forfeited and according to Law to be seized into his Majesties hands to be disposed of as he in his princely wisdom should think convenient ; In which opinion Mr. Justice *Raymond* and Mr. Justice *Wibens* concurred, declaring that they had used great Diligence in perusing the Records and other Evidences and had Attentively heard the Arguments on Either part, and that the breaches Assigned being plain and found unwarrantable the CHARTER was forfeited.

Judgment thus given Mr. Attorney General Moved that all further proceedings as to entering up Judgments, &c. might be suspended till his Majesties pleasure was farther known, of which Motion the Court ordered the Clark of the Office to take notice.